



11/10/04

MESSAGES FROM THE HOUSE

SB 220 (Garcia)
SB 657 (Brown)
SB 792 (Bishop)
SB 793 (Van Woerkom)
SB 795 (Cassis)
SB 797 (George)
SB 798 (Sanborn)
SB 803 (Cropsey)

IDENTITY THEFT PACKAGE

As a package, the bills would make it a felony to use personal identifying information to obtain goods and services without consent. Identity theft is one of the fastest growing crimes in the world. Both the Federal Trade Commission (FTC) and Michigan Attorney General Office have reported it as the number one concern among consumers.

Support: AARP, Elder Law Clinic of Cooley Law School, Court Officers-Deputy Sheriffs Association, Michigan Council of Private Investigators, PIRGIM, ACLU.

SB 220 (and HB 6175), which are identical, would add to the list of offenses constituting unlawful practices of trade or commerce the issuing or delivering of a receipt when a credit card or debit card was used for payment in a consumer transaction if the receipt displayed any part of the expiration date of the card or more than the last four digits of the consumer's account number. This would not apply to receipts on which the account number or expiration date is handwritten, mechanically imprinted, or photocopied.

- Garcia 2 (S-3) was adopted [no RC].
- The Senate concurred with the House changes to SB 220, as substituted by the Senate [RC 806: 36 yes, 0 no]. Immediate Effect was given to the bill.

SB 657 (and HB 6176), which are identical, would add to the list of offenses constituting unlawful trade practices the act of requiring a consumer to disclose his or her social security number as a condition to selling goods or providing a service to the consumer unless the purchase, provision, payment, or transaction included an application for or an extension of credit to the consumer or disclosure was required or authorized by applicable state or federal statute, rule, or regulation.

- Brown 2 (S-1) was adopted [no RC].

- The Senate concurred with the House changes to SB 657, as substituted by the Senate [RC 807: yes, no]. Immediate Effect was given to the bill.

SB 792 (and HB 6168), which are identical, would create the Identity Theft Protection Act.

- Bishop 1 (3 amends) was adopted [no RC].
- Bishop 2 (1 amend) was adopted [no RC].
- The Senate concurred with the House changes to SB 792, as amended by the Senate [RC 808: 36 yes, 0 no]. Immediate Effect was given to the bill.

SB 793 (and HB 6170), which are identical, would specify that a violation of the Identity Theft Protection Act could be prosecuted in one of the following jurisdictions: 1) Where the offense occurred. 2) Where the information that had been used to commit the violation was used illegally. 3) Where the victim resided.

- Bishop 1 (3 amends) was adopted [no RC].
- The Senate concurred with the House changes to SB 793, as amended by the Senate [RC 809: 36 yes, 0 no]. Immediate Effect was given to the bill.

SB 795 (and HB 6171), which are identical, would prohibit uses of social security numbers, establish penalties for violations, and provide remedies. The bills would apply to a person, association, company, elementary or secondary public or nonpublic school, vocational school, college or university, trade school, state or local governmental agency or department, or other legal entity.

- Cassis 1 (18 amends) was withdrawn.
- Cassis 2 (1 amend) was withdrawn.
- Cassis 3 (16 amends) was adopted [no RC].
- The Senate concurred with the House changes to SB 795, as amended by the House [RC 810: 37 yes, 0 no]. Immediate Effect was given to the bill.

SB 797 (and HB 6169), which are identical, would specify that the crimes of identity theft and of obtaining, possessing, selling, or transferring personal identifying information of another or falsifying a police report with intent to commit identity theft would have a statutory maximum term of imprisonment of five years.

- The Senate concurred with the House changes to SB 797 [RC 811: 36 yes, 0 no]. Immediate Effect was given to the bill. The vote concurring with the House changes was reconsidered and postponed for the day.

SB 798 (and HB 6174), which are identical, would add identity theft, which would be created by House Bill 6168 and Senate Bill 792, to the list of offenses constituting unlawful practices of trade or commerce.

- Cropsey 1 (1 amend) was adopted [no RC].
- The Senate concurred with the House changes to SB 798, as amended by the House [RC 812: 37 yes, 0 no]. Immediate Effect was given to the bill.

SB 803 (and HB 6172), which are identical, would establish a six-year statute of limitations for identity theft. Specifically, an indictment could be found and filed within six years after an offense of identity theft or attempted identity theft had been committed. If evidence had been obtained but the individual committing the offense had not been identified, an indictment could be found and filed at any time up to six years after the person was identified.

- Cropsey 1 (1 amend) was adopted [no RC].
- Cropsey 2 (1 amend) was withdrawn.
- The Senate concurred with the House changes to SB 803, as amended by the House [RC 813: 37 yes, 0 no]. Immediate Effect was given to the bill.

SB 757 (CLARKE)

Senate Bill 757 would create penalties for landlords that repeatedly rent housing units without abating known lead hazards. This bill would protect consumers and young children who rent from known lead hazards in their living environment.

Support: Michigan Realtors Association and the Department of Community Health.

- Hardiman 1 (3 amends) was adopted [no RC].
- CLARKE 2 (10 amends) was adopted [no RC]. Technical change.
- The Senate concurred with the House changes to SB 757 [RC 814: 36 yes, 0 no]. Immediate Effect was given to the bill.

SB 1149 (Garcia)

SB 1149 would create the "Armed Forces Commemoration Act" to recognize the men and women who served in the United States armed forces, specifically the U.S. Army, the U.S. Navy, the U.S. Marines, the U.S. Air Force, and the U.S. Coast Guard. The flags of each branch would have to be flown over the State Capitol building in Lansing on the date of each branch's founding.

Support: American Legion, VFW.

- The Senate concurred with the House changes to SB 1149 [RC 763: 36 yes, 0 no]. Immediate Effect was given to the bill.

FINAL PASSAGE

SBs 683-86 (Bipartisan)

SB 683 would provide that an individual who is noncompliant with treatment and, as a result, has been placed in a psychiatric hospital, prison or jail within the last 36 months or whose noncompliance has been a factor in them committing illegal acts within the last 48 months is eligible to receive outpatient assisted living.

Support: Treatment Advocacy Center, Family of Kevin Heisinger, MI Osteopathic Assn., MI Psychiatric Society, Judge William. Earvin, Mt. Pleasant.

Oppose: MI Protection and Advocacy Services.

- **SB 683 passed [RC 778: 36 yes, 0 no].**

SB 684 would allow any individual at least 18 years old to file a petition with the court asserting that a person met the criteria for assisted outpatient treatment which Senate Bill 683 would add. The petition would have to contain the facts that were the basis for the assertion; the names and addresses, if known, of any witnesses to the facts; and the name and address of the nearest relative or guardian, if known, or, if none, a friend, if known, of the subject of the petition.

- SB 684 passed [RC 779: 36 yes, 0 no].

SB 685 would add that an initial order of assisted outpatient treatment could not exceed 180 days. An initial order for combined hospitalization and assisted outpatient treatment could not exceed 180 days, with the hospitalization portion being not more than 60 days.

- SB 685 passed [RC 780: 36 yes, 0 no].

SB 686 would include intensive case management services or assertive community treatment team services to provide care coordination. Assisted outpatient treatment also could include one or more of the following categories of services: 1) Medication. 2) Periodic blood tests or urinalysis to determine compliance with prescribed medications. 3) Individual or group therapy. 4) Day or partial day programming activities. 5) Vocational, educational, or self-help training or activities. 6) Alcohol or substance abuse treatment and counseling. 7) Periodic testing for alcohol or illegal drugs for a person with a history of alcohol or substance abuse. 8) Supervision of living arrangements.

- SB 686 passed [RC 781: 36 yes, 0 no].

SBs 1153-57 (Bipartisan)

SB 1153 would require the state to contract with one or more providers to develop, supply and score the Michigan Merit Exam, a college entrance test, which would replace the existing high school MEAP test. The concept was originated with the Michigan Association of Secondary School Principals recommendation to switch from the high school MEAP to an ACT developed examination that would be a college entrance exam. The tests is to measure English, mat, reading and science, social studies, a student's ability to apply reading and math skills in a manner that employers could use to make employment decisions. The test would be administered between March 1 and June 1 to eleventh grade students.

- SB 1153 passed [RC 782: 35 yes, 1 no (Toy)].

SB 1154 require that, beginning in the 2006-07 school year, a high school student wishing to enroll in postsecondary or career and technical courses, achieve a qualifying score on a "readiness assessment", instead of earning State endorsements on the high school proficiency exam. The readiness assessment would have to be a national, curriculum-based achievement test based on State standards.

- Kuipers 1 (1 amend) was adopted [no RC].
- SB 1154 passed [RC 783: 35 yes, 1 no (Toy)].

SB 1155 would require that beginning in the 2006-07 school year, students would take a Michigan Merit Exam instead of the current high school proficiency exam. The test would be a curriculum based achievement test used for college entrance or allowing employers to make employment decisions.

- SB 1155 passed [RC 784: 35 yes, 1 no (Toy)].

SB 1156 would require that, in order to be eligible to receive a Michigan Merit Scholarship, a student receive qualifying results on the Michigan Merit Exam instead of on the high school proficiency exam.

- Van Woerkom 1 (S-3) was adopted [no RC].
- SB 1156 passed [RC 785: 35 yes, 1 no (Toy)].

SB 1157 would amend the Career and Technical Preparation Act to change references from students eligible to participate as a result of state endorsement in subject areas to achieving qualifying scores on a readiness assessment. The change would begin with the 2006-07 school year. The state superintendent shall approve the readiness assessments used to determine eligibility and determine the qualifying scores.

- Kuipers 1 was adopted [no RC].
- SB 1157 passed [RC 786: 35 yes, 1 no (Toy)].

SB 1185 (Cassis)

SB 1185 creates a “reasonable cause” defense to business personal property tax underreporting, and also provides the Tax Commission the discretion to waive penalties and interest for no specified reason. The bill also lowers the amount of penalty and interest that can be charged. As part of the 2004 budget, we created an amnesty period for underreported and unreported personal property taxes which replicated the homestead underreporting provision. That is, personal (business) property taxes were treated the same as individual, homestead taxes.

Support: Michigan Chamber of Commerce, SBAM, DTE Energy.

Oppose: MTA, MAC, MML.

- SB 1185 passed [RC 764: 22 yes, 14 no].

SB 1341 (Birkholz)

SB 1341 amends the State Housing Development Authority Act to reauthorize MSHDA as is required every three (3) years. MSHDA provides for affordable, safe, quality housing.

Support: SEMCOG, MSHDA, MI Housing Council, Habitat for Humanity, MI Assn. of Home Bldrs., MI Assn. of Realtors, MI Bankers Assn., MML, Community Economic Development Assn. of MI.

- SB 1341 passed [RC 767: 35 yes, 0 no].

SB 1416 (Birkholz)

SB 1416 would shorten the approval process of a chart or map for the subdivision of land. The bill is a result of the Land Use Leadership Council’s recommendations. The bill will speed up approvals by variously agencies by scheduling them consecutively instead of concurrently. The bill will allow for the approving agencies to meet in advance of the approval process to review the submission. This practice is already in affect in many counties.

Support: DLEG, Realtors, MEC, MTA, MAC.

- Birkholz 1 was withdrawn.
- SB 1416 passed [RC 768: 36 yes, 0 no].

SB 1434 (Stamas)

SB 1434 is a technical clean up bill to a 1999 law, when the state conveyed property to Otsego county for a public purpose, including a law enforcement building. Now the County wants to lease the property for the purposes of a non-profit children's museum. However, the Attorney General needs the state to take out the reference to a law enforcement building in order to allow the museum. This bill will allow the State of Michigan to buy the 2 parcels of land from Otsego County, who will then intern, sell it back to the state, who will then sell it back to Otsego County.

- Committee 1 (S-1) was adopted.
- SB 1434 was moved to 3rd Reading.
- SB 1434 passed [RC 797: 36 yes, 0 no].

SB 1447-50 (GOP)

SUPPORT: Attorney General, FIA, Worker's Comp. Agency, Insurance Institute of Michigan -- This bill and the others in this package would provide an effective tool to help increase child support payments to deserving kids. It is estimated that \$7 billion in child support is unpaid in Michigan, and that \$3 billion of that is owed to the state. Expanding the state's ability to use child support arrearages as liens against insurance claims, inheritances, and workers compensation will ensure that the money received by child support obligors in arrears ends up where it is supposed to: in the hands of the kids to whom it's owed.

OPPOSE: Michigan Chamber of Commerce.

SB 1447 would allow for past-due child support to constitute a lien against the real and personal property of a payer of child support, including an inheritance, worker's compensation, or an insurance claim. The bill would expand the law so that liens could be imposed against money to be paid as a distribution from a decedent's estate; as the result of a claim for negligence, personal injury, or death; under an arbitration award; under a settlement of or judgment issued in a civil action; and funds due a payer from a settlement, civil judgment, worker's compensation order, settlement, redemption order, or voluntary payment.

- Committee 1 (S-2) was adopted.
- SB 1447 was moved to 3rd Reading.
- Hammerstrom 1 (2 amends) was adopted [no RC].
- Hammerstrom 2 (1 amend) was adopted [no RC].
- SB 1447 passed [RC 802: 35 yes, 0 no].

SB 1448 would require the Office of Child Support (OCS) to notify the Child Support Lien Network of each payer of child support with a support arrearage in an amount that exceeds 2 times the monthly support. It would also allow OCS to notify one or more additional national child support information clearinghouses of the same information.

- Committee 1 (S-1) was adopted.
- SB 1448 was moved to 3rd Reading.
- SB 1448 passed [RC 803: 34 yes, 0 no].

SB 1449 would allow insurance companies to share information about payers of child support with the Office of Child Support (OCS) and the Child Support Lien Network (CSLN). Specifically, SB 1449 would allow an insurance company to voluntarily cooperate with OCS and the CSLN in identifying payers subject to child support arrearages who may be entitled to money to be paid under a liability insurance policy or the liability coverage portion of a multiperil insurance policy.

- Committee 1 (S-1) was adopted.
- SB 1449 was moved to 3rd Reading.
- SB 1449 passed [RC 804: 35 yes, 0 no].

SB 1450 would require that local Friend of the Court offices be given notice of a decedent's inheritors at the time a personal representative is appointed to administer an estate.

- Committee 1 (S-1) was adopted.
- SB 1450 was moved to 3rd Reading.
- SB 1450 passed [RC 805: 36 yes, 0 no].

SB 1453 (Cropsey)

SB 1453 would allow the state to establish a renaissance zone in the city of Greenville (Montcalm County).

- SB 1453 passed [RC 795: 36 yes, 0 no].

SB 1463 (George)

SB 1463 would eliminate the three election divisions in the Eighth Judicial District, which consists of Kalamazoo County and has seven judges.

- SB 1463 was moved to 3rd Reading. No amendments.
- SB 1463 passed [RC 798: 25 yes, 10 no].

SBs 1464-72 (Bipartisan)

Support: MI Psychiatric Assn., Mental Health Assn., MI Protection and Advocacy, DCH.

SB 1464 would allow an individual to designate a patient advocate to exercise powers regarding his or her mental health treatment decisions, and allow an individual to include in a patient advocate designation a statement of his or her desires on mental health treatment.

- Hammerstrom 1 was adopted [no RC].
- SB 1464 passed [RC 769: 36 yes, 0 no].

SBs 1465-67 would to change citations to sections of the Estates and Protected Individuals Code (EPIC).

- SB 1465 passed [RC 770: 36 yes, 0 no].
- SB 1466 passed [RC 771: 36 yes, 0 no].
- SB 1467 passed [RC 772: 36 yes, 0 no].

SB 1468 would revise the definition of "formal voluntary hospitalization".

- SB 1468 passed [RC 773: 36 yes, 0 no].

SB 1469 would include a patient advocate for an individual's mental health treatment decisions among the people who must be notified if a hospitalized patient is transferred to another facility.

- SB 1469 passed [RC 774: 36 yes, 0 no].

SB 1470 would include a person applying for the admission of an individual to a hospital or alternative treatment program, among the people who may request a second opinion if admission is denied.

- **SB 1470 passed [RC 775: 36 yes, 0 no].**

SB 1471 would revise the individuals who may be considered for admission to a hospital operated by the Department of Community Health or under contract with a community mental health services program.

- **SB 1471 passed [RC 776: 36 yes, 0 no].**

SB 1472 would include a patient advocate for mental health treatment decisions among the people who may execute an application for formal voluntary hospitalization.

- **SB 1472 passed [RC 777: 36 yes, 0 no].**

HB 4358 (DeRossett)

HB 4358 would permit 65 foot truck/trailer combinations on all Michigan highways.

- **Gilbert 1 (S-1) was adopted.**
- **Gilbert 1A (2 amends) was adopted.**
- **HB 4358 was moved to 3rd Reading.**
- **HB 4358 passed with IE [RC 794: 32 yes, 4 no].**

HB 5457 (Palmer)

HB 5475 (Bradstreet)

HB 5627 (Ruth Johnson)

HB 5839 (Ruth Johnson)

HB 5850 (Ruth Johnson)

HB 5851 (Ruth Johnson)

HB 5921 (Ruth Johnson)

INTERMEDIATE SCHOOL DISTRICT ACCOUNTABILITY

HB 5457 would require the Department of Treasury to direct independent random financial audits of intermediate school districts, paid for by the State of Michigan. The bill specifies that in addition to the annual audit required of intermediate school districts under the law, an intermediate school district (ISD) could be subject to an audit by the Department of Treasury, if selected when the department announced the ISDs that would be audited each year. Under the bill, the department would direct the audit of five ISDs every two years

- **Kuipers 1 (S-5) was adopted [no RC].**
- **HB 5457 passed with IE [RC 787: 36 yes, 0 no].**

HB 5475 would require the Center for Educational Performance and Information to annually submit information for each intermediate school district to the Department of Education for the immediately preceding school fiscal year, and the department would post the information on its website.

- **Kuipers 1 (S-4) was adopted [no RC].**
- **HB 5475 passed with IE [RC 788: 36 yes, 0 no].**

HB 5627 would require intermediate school districts report all information required under House Bill 5475 to the Center for Educational Performance and Information (CEPI).

- **HB 5627 passed with IE [RC 789: 36 yes, 0 no].**

HB 5839 would specify that an intermediate school districts that levied taxes for area vocational-technical education program operating purposes, and also for special education operating purposes, would be required to submit to the Department of Treasury the audits.

- **Kuipers 1 (S-4) was adopted [no RC].**
- **HB 5839 passed with IE [RC 790: 36 yes, 0 no].**

HB 5850 would provide penalties for the misuse of school district or intermediate school district funds.

- **Kuipers 1 (S-4) was adopted [no RC].**
- **HB 5850 passed with IE [RC 791: 36 yes, 0 no].**

HB 5851 would create the sentencing guidelines for two new crimes -- the first, failing to comply with school competitive bidding processes; and the second, the improper use of school bond proceeds. In both instances the crimes would be categorized as crimes against the public trust, and the state maximum incarceration would be for a period of one year.

- **Kuipers 1 (S-1) was adopted [no RC].**
- **HB 5851 passed with IE [RC 792: 36 yes, 0 no].**

HB 5921 would create a conflict of interest policy for intermediate school district officials and employees, and also specify that not more than three intermediate school district board members could also be serving as members of the boards of constituent districts, or as directors of public school academies (a limitation that would apply at the expiration of the current terms of those now serving on both boards).

- **Kuipers 1 (S-3) was adopted [no RC].**
- **HB 5921 passed with IE [RC 793: 36 yes, 0 no].**

HB 5529 (MURPHY)

HB 5529 would allow the state administrative board to convey state owned property in Ingham County to the city of Lansing for one dollar. This parcel of land is located at the Groesbeck municipal golf course.

- **HB 5529 passed with IE [RC 765: 35 yes, 1 no].**

HB 5843 (LaJoy)

HB 5843 would explicitly permit townships to contract out its police and fire services to cities, villages, and other townships. Under current law, the authority of a township to provide its services to another township is merely implied.

- **HB 5843 passed with IE [RC 766: 36 yes, 0 no].**

HB 6169 (Van Regenmorter)

HB 6173 (Stakoe)

HB 6174 (Nofs)

HB 6177 (Rocca)

IDENTITY THEFT PACKAGE

As a package, the bills would make it a felony to use personal identifying information to obtain goods and services without consent. Identity theft is one of the fastest growing crimes in the world. Both the Federal Trade Commission (FTC) and Michigan Attorney General Office have reported it as the number one concern among consumers.

Support: AARP, Elder Law Clinic of Cooley Law School, Court Officers-Deputy Sheriffs Association, Michigan Council of Private Investigators, PIRGIM, ACLU.

HB 6169 (and SB 797), which are identical, would specify that the crimes of identity theft and of obtaining, possessing, selling, or transferring personal identifying information of another or falsifying a police report with intent to commit identity theft would have a statutory maximum term of imprisonment of five years.

- HB 6169 was moved to 3rd Reading. No amendments.
- HB 6169 passed with IE [RC 796: 36 yes, 0 no].

HB 6173 would establish the right of a victim of identity theft to obtain a police report from a law enforcement agency in a jurisdiction where the alleged crime could be prosecuted

- Committee 1 (S-2) was adopted.
- HB 6173 was moved to 3rd Reading.
- HB 6173 passed with IE [RC 799: 36 yes, 0 no].

HB 6174 (and SB 798), which are identical, would add identity theft, which would be created by House Bill 6168 and Senate Bill 792, to the list of offenses constituting unlawful practices of trade or commerce.

- HB 6174 was moved to 3rd Reading. No amendments.
- HB 6174 passed with IE [RC 800: 36 yes, 0 no].

HB 6177 would add a new section to the Michigan Penal Code to prohibit a person from photographing, digitally capturing or recording, or electronically transmitting personal identifying information gleaned from such things as credit or debit cards or ATM cards without the consent of the individual. A violation would be a misdemeanor punishable by imprisonment for up to one year, a fine of not more than \$1,000, or both.

- Committee 1 (2 amends) was adopted.
- HB 6177 was moved to 3rd Reading.
- HB 6177 passed with IE [RC 801: 36 yes, 0 no].

THIRD READING

HB 4868 (JAMNICK)

HB 4868 would prohibit manufactured housing park owners from impeding a resident's right: 1) To sell his home within a park; to remove his home from the park solely based upon a sale or proposed sale or, to require a resident to remove a home from a park for the purpose of renovating or modernizing the park. 2) To prohibit the

use of a “for sale” sign within the park, although the park owner could impose restrictions on the size and location of signs. 3) To place a maximum of two (2) political signs on their site. Restrictions by the park owner cannot be greater than those in local ordinance. 4) Park owners also would be required to notify residents 90 days in advance prior to increasing any fee.

- Committee 1 (S-4) was defeated.
- BASHAM 2 (S-5) was adopted.
- HB 4868 was moved to 3rd Reading.

RESOLUTIONS

SR 216 (PRUSI)

A resolution to urge the United States Forest Service to review its forest management plan to revise timber practices and address declining timber yields in the country's national forests.

- BRATER 1 (S-1) was adopted.
- SR 216 was adopted [no RC].